

Notice of Allowability

Application No.

10/670,360

Applicant(s)

GONNON ET AL.

Examiner

Satya B. Sastri

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 9, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-23 and 25-56.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/10/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed September 9, 2005 and the rejections are withdrawn. *Claims 1, 2, 4-23, 25-56* are now pending in the application.

2. The terminal disclaimer filed on September 9, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,752,866 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons For Allowance

3. *Claims 1, 2, 4-23, 25-56* are allowed.

4. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over closest prior art to Blum (US 6,057,398).

Instant claims recite a method of preparing a cement matrix and cement compositions comprising a cement or hydraulic binder, mineral filler and a copolymer comprising at least one alkoxy or aryloxy or alkylaryloxy or arylalkoxy polyalkylene glycol ethylenic urethane monomer, at least one anionic monomer, at least one non-ionic monomer and at least one alkoxy or aryloxy or alkylaryloxy or arylalkoxy polyalkylene glycol acrylate or methacrylate or allyl ether.

Blum et al. disclose an aqueous suspension comprising water, at least one mineral substance and a copolymer as a dispersion agent and/or crushing aid. The copolymer contains at

Art Unit: 1713

least one ethylenically unsaturated monomer having at least one carboxyl function, optionally at least one ethylenically unsaturated monomer having at least one sulphonyl function or phosphoryl function, optionally at least one ethylenically unsaturated monomer which has no carboxyl function, and at least one surface-active, oxyalkylated, ethylenically unsaturated monomer. Furthermore, the polymerizable unsaturated radical monomer may be derived from an unsaturated urethane.

The prior art of record does not teach or suggest a method of preparing a cement matrix and cement compositions as claimed instantly. Additionally, the copolymer used in the instant invention differs from the prior art copolymer in that it does not include both, at least one alkoxy or aryloxy or alkylaryloxy or arylalkyloxy polyalkylene glycol ethylenic urethane monomers well as at least one alkoxy or aryloxy or alkylaryloxy or arylalkyloxy polyalkylene glycol acrylate or methacrylate or allyl ether as claimed instantly. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Future Correspondence

Art Unit: 1713

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SATYA SASTRI

October 14, 2005



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700